INDEPENDENT PANEL OF FAMILY LAW EXPERTS
OF EU MEMBER STATES

Summary of opinion on the matter of adoptions

Brussels, 19 May 2004

The Independent Panel was set up by the European Commission in December 2002 and consists of experts on family law and children's rights from Member States (civil servants). The Panel reports to the Commission on whether the Romanian draft legislative package complies with international standards laid down in the UN Convention on the Right of the Child and the European Convention on Human Rights. In making its assessments, the Panel considers inter-alia whether the proposed legal framework would ensure respect of children's rights at a level comparable to that provided by legislation in the present EU Member States.

In Romania adoption was seen as a child special protection measure (Law 25/1997). However, it is not the case and it is important it should not be seen as such. Adoption is rather a civil order, which creates new relationships with the adoptive family and severs the relationship between the child and his or her birth family. It is one of the available options if a child cannot be returned to his or her family (and attempts to rehabilitate the child with his or her family must be thorough and not token), but there are other options which also need to be considered viz long term placement with the wider family or foster parents. The assessment process will need to determine the child's best interests and how these can best be met. Even if it is decided a child should be placed for adoption, reviews must be continuous both while the child is not yet placed and during the placement. Especially with intercountry adoption, there is a risk that the institutions responsible for children may impose adoption in cases, which are unsuitable, so as to compensate for their own lack of resources.

In this context it is important to recall that according to Article 20 of the UN Convention on the Rights of the Child, States Parties shall ensure alternative care to children who are deprived of their family environment. This provision goes further giving examples of different types of alternative care, like for example foster placement, placement in institutions suitable for the care of children or adoption. This enumeration does not imply that adoption is to be regarded as a "special protection measure" of a similar nature to the other ones. It does neither favour one option to the others. The aim of Article 20 is to give States Parties the spectrum of some possible solutions for children deprived of their family environment – and one of these possibilities is adoption, which is regulated in more depth under Article 21 of the UN Convention.

Intercountry adoption is a very last resort and should only be considered if any suitable means of foster, adoptive or residential care cannot be found in the country of origin of the child and only if it is manifestly in the best interests of the child. It must be clear that residential care comes also before (intercountry) adoption – see article 21(b) of the UN Convention on the Rights of the Child.

The reasons and motivation for intercountry adoption should be clearly stated in the law. In this respect it is also of importance that there should not be other ways to avoid the new regime on intercountry adoptions. Examples of how the new law and system can be prevented from working properly are: recognition of a child by a foreign (married) man of a Romanian child of which he clearly is not the father. Another example would be to consider a poor and/or minor Romanian mother not able to raise her child with as a consequence that the child will be available for adoption in Romania or even for intercountry adoption.

There is also concern about the 5.400 children who the Romanian Adoption Committee apparently has on the list of children approved for adoption. Clarification is required on what is happening to those children now and whether their cases are being reviewed. It would be unacceptable for these children to be "available for" inter-country adoption.

The need for hundreds of international adoptions which persists in Romania is uncommon when we compare the situation with the other States of the European Union. Without strict limitations in the law, it is to be feared that children could be adopted by foreign residents too easily. International adoption besides adoption between relatives is a deliberate choice for a State. Preference should always be given, and in conformity with the UNCRC, to alternatives like foster care and suitable institutional care.

Summary

The Panel's position is a legal and not a political opinion. The reference, guide and basis for its opinion are the UN Convention on the Rights of the Child (CRC) and the European Convention on Human Rights (ECHR). Also the practices in the EU Member States served as reference.

Intercountry adoption **cannot be considered as a protection measure**. Romania's situation is in this regard exceptional, as no EU Member State expatriates its children. Other Member States protect their children and deal with the issues in-country. Out of home placement is available, guidance to parents given and family allocations provided. It is therefore not necessary to abandon children.

The objective of the new legislation is that Romania becomes like other Member States and does not export its children anymore. Intercountry adoptions lead to a vicious circle: too many intercountry adoptions will mean that Romania will not see the need for proper child protection. And as long as the child protection is not at European level, Romania risks continuing to use intercountry adoptions.

To resolve this paradox, intercountry adoptions need to become legally more difficult, exceptional and truly a measure of last resort.

The Convention on the Rights of the Child

The Convention on the Rights of the Child remains neutral about the desirability of adoption even within the child's country of origin, though article 20 mentions it as one of the possible options for the care of children without families. It is clear that children's psychological need for permanency and individual attachments can be met without the formality of adoption, but where it is used it should be properly regulated by the State to safeguard children's rights.

In adoption the best interests of the child must be "the paramount" consideration rather than simply "a primary" consideration. No other interests should take precedence over or be considered equal to the child's **(whether economic, political, state security or those of the adopters).**

Article 20 of the Convention on the Rights of the Child concerns children who are temporarily or permanently unable to live with their families, either because of circumstances such as death, abandonment or displacement, or because the State has determined that they must be removed for their best interests.

Such children are entitled to «special protection and assistance». Paragraph 3 of article 20 determines that «Such care should include, *inter alia,* foster placement, *kafalah* of Islamic law, adoption or, if necessary, placement in suitable institutions for the care of children».

It is important to note that during the negotiations of article 20, there was a proposal that States should have to «facilitate permanent adoption» of children in care. The proposal was rejected on the grounds that adoption is not the «only solution» when children cannot be cared for by their families. Even the weaker proposal that children should have a right to a «stable family environment» did not survive to reach the final text.

Paragraph 3 of Article 20 also determines that when considering child protection solutions, due regard be paid to «the desirability of continuity in a child's

upbringing and to the child's ethnic, religious, cultural and linguistic background». This provision relates to article 7 (right to know and be cared for by parents) and article 8 (preservation of the child's identity) of the CRC.

According to UNICEF's Handbook on the Implementation of the CRC, «Continuity of upbringing implies continuity of contacts, wherever possible, with parents, family and the wider community – achievable even when the child is adopted». The Panel notes that of course, in cases of intercountry adoption it will be much harder – and in most cases even impossible – to respect this provision of the UN Convention on the Rights of the Child.

On the other hand, article 21 of the Convention on the Rights of the Child, stipulates that the system of adoption «shall ensure that the best interests of the child shall be **the** paramount consideration» and in this context it asks States to «recognise that intercountry adoption may be considered as an alternative means of child's care, **if the child cannot be placed in a foster or adoptive family or cannot in any suitable manner be cared for in the child's country of origin**».

Again according to UNICEF's Handbook, article 21 of the Convention states that «intercountry adoption is only to be considered if the child cannot be suitably placed in his or her country» and «the Convention on the Rights of the Child remains neutral about the desirability of adoption even within the child's country of origin, though article 20 mentions it as one of the possible options for the care of children without families»

On the question of intercountry adoption the Handbook on the Implementation of the CRC says that « the rising number of intercountry adoptions has been the cause of much concern. Children are a highly desirable commodity in countries where low birth rates and relaxed attitudes towards illegitimacy have restricted the supply of babies for adoption. […] This has led an apparently increasing number of adoptions to be arranged on a commercial basis or by illicit means. Without very stringent regulation and supervision children can be trafficked for adoption or can be adopted without regard for their best interests […] ».

The United Nations Committee on the Rights of the Child has openly stated that intercountry adoption shall be seen as a solution of last resort. When examining Mexico's Initial Report the Committee stated the following

«intercountry adoption should be considered in the light of article 21, namely as a measure of last resort».

States must therefore take measures to ensure that all possible efforts have been deployed to provide suitable care for the child in his or her country of origin. This «last resort» provision is in conformity with article 20 (3) which refers to the «the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background». This provision relates to article 7 (right to know and be cared for by parents) and article 8 (preservation of the child's identity).

Finally, it is interesting to remember the statement made by the Holy See to the Hague Conference, where a fundamental principle was confirmed, *i.e.***, that "children are not isolated individuals but are born in and belong to a particular environment. Only if this native environment cannot, in one way or another, provide for a minimum of care and education should adoption be contemplated. The possibility of providing a better material future is certainly not, of itself, a sufficient reason for resorting to adoption".**

UK courts must not decide the fate of foreign children, says top judge

- **High Court family judge Sir James Munby spoke out in case of Slovak boy**
- **He said attempts by social workers to gag media were 'impermissible'**
- **It comes after Italian mother was given forced caesarean in secret case**

By STEVE DOUGHTY, SOCIAL AFFAIRS CORRESPONDENT
PUBLISHED: 00:55 GMT, 15 January 2014 | **UPDATED:** 00:55 GMT, 15 January 2014

Control: Sir James Munby said foreign nations should decide the fate of their own children

Judges and social workers were yesterday warned that they must not seize control of the lives of foreign children.

No court can order a child from Europe to be taken from their parents or given up for adoption, said Britain's most senior family law judge, Sir James Munby.
Overseas authorities should always have a say in cases involving their nationals, and the future of foreign children must be decided by courts in their own country, he said.
Judges and social workers must no longer keep their decisions secret or try to gag foreign media either, he added.
Sir James, the president of the Family Division of the High Court, laid down rules for judges dealing with such issues as he handled the case of a 12-year-old boy from Slovakia.
The judge said the Slovak boy - whose case has been heavily reported by newspapers in Bratislava - should live with an aunt. Slovak authorities were closely involved in the case.
It comes six weeks after the scandal over Alessandra Pacchieri, an Italian mother who was forced by a British judge in the secretive Court of Protection to undergo a compulsory caesarean.
Miss Pacchieri, 35, who suffers from bipolar disorder, was sectioned under the Mental Health Act after suffering a breakdown at Stansted Airport during a short visit to Britain.
In secret court hearings, a Court of Protection judge ordered that she undergo a compulsory caesarean, and a family court judge in Chelmsford overruled her pleas and ordered that her baby daughter should be adopted in this country.
Last month Sir James rejected an application by Essex social workers forbidding British and Italian newspapers from naming Miss Pacchieri.
He said that the attempt to deny her a right to speak out in public was 'an affront to humanity'. Miss Pacchieri may now be named in public, while the name of her baby being brought up in Essex, and her adoptive parents, remain secret.

More...

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- These little boys were taken to THREE adoption parties... but no one wanted to be their mum and dad: Heartbreaking - but are such events also the best way of finding families for children in care?

The case of Miss Pacchieri and the future of her baby have yet to be finalised by the courts. But yesterday in the similar case of the Slovak boy Sir James laid down a series of rules for judges 'in a wider context' which he said courts must follow in future.
Sir James said: 'To seek to shelter in this context behind our normal practice of sitting in private and limiting the permissible flow of information to outsiders is not merely unprincipled; it is likely to be counter-productive and, potentially, extremely damaging.

Controversial: Several decisions have been made by the Court of Protection, which sits mostly in secret and presides over cases involving mental health issues or people deemed unable to decide for themselves

‘If anyone thinks this an unduly radical approach, they might pause to think how we would react if roles were reversed and the boot was on the other foot.’

He added: ‘It is one of frequently voiced complaints that the courts of England and Wales are exorbitant in their exercise of their care jurisdiction over children from other European countries.

‘The number of care cases involving children from other European countries has risen sharply in recent years and significant numbers of care cases now involve such children.

Abuse: There has been a sharp rise in care cases coming to British courts (photo posed by model)

‘It would be idle to ignore the fact that these concerns are only exacerbated by the fact that the UK is unusual in Europe in permitting the total severance of family ties without parental consent.

'The outcome of care proceedings in England and Wales may be that a child who is a national of another European country is adopted by an English family notwithstanding the vigorous protests of the child’s non-English parents.

'It is one of the frequently voiced complaints that the courts of England and Wales are exorbitant in their exercise of their care jurisdiction over children from other European countries.’

The judge said children must live in Britain for British courts to hold sway.

For a family judge to act, foreign authorities must be permitted in court and kept fully informed, he added.

He said English courts should allow European judges to decide on the lives of children who live mainly in their countries, and English judges should make declarations that they have no jurisdiction in such cases.

Sir James also condemned efforts by social workers and courts in England to silence foreign newspapers.

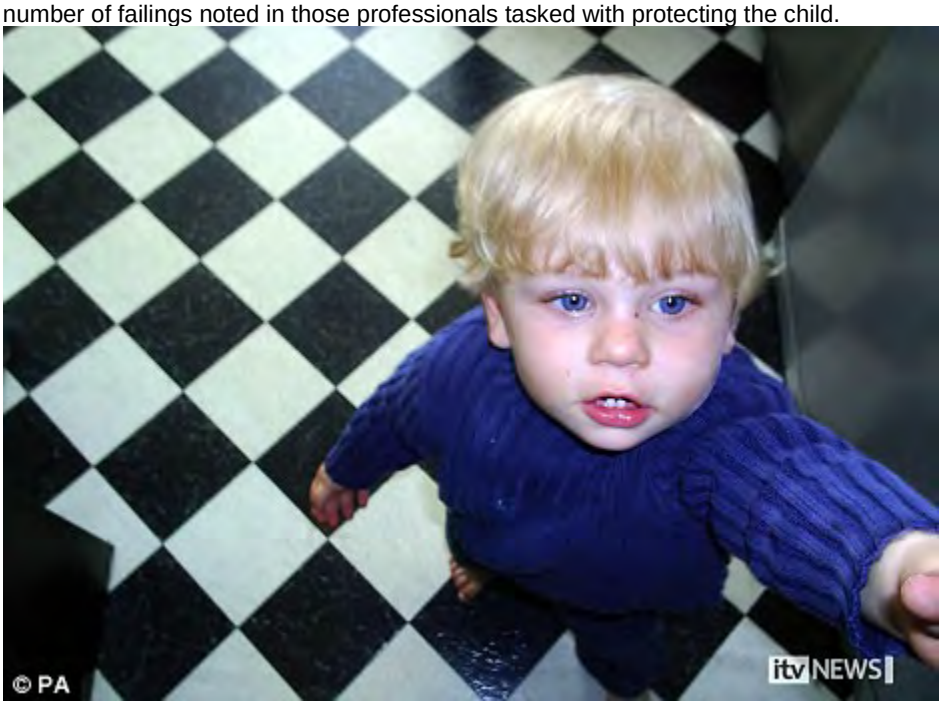
‘As a general principle, any attempt by the English court to control foreign media, whether directly or indirectly, is simply impermissible,' he said.

'For the courts of another state to assume such a role involves an exercise of jurisdiction which is plainly exorbitant, not least as involving interference in the internal affairs of another state.
'What would we think, what would the English media think, if a family judge in Ruritania were to order the Daily Beast to desist from complaining about the way in which the judicial and other state authorities in Ruritania were handling a case involving an English mother?'

Family courts and how incompetent (but highly paid) so-called experts are failing children

By PROFESSOR JANE IRELAND
PUBLISHED: 22:49 GMT, 13 March 2012 | **UPDATED:** 22:49 GMT, 13 March 2012

The welfare of children is at the heart of the family courts system. These courts deal with incredibly sensitive, highly emotional cases, involving questions of custody, abuse, neglect, adoption and access.
The futures of the most vulnerable in our society can be affected for ever by the decisions of judges, particularly where there is pressure to remove a child from the parental home.
The awareness of such vulnerability has increased dramatically in recent years due to a string of well-reported cases such as those of Baby P, the 17-month-old boy from Haringey who was killed by his mother and her boyfriend, with a number of failings noted in those professionals tasked with protecting the child.



Vulnerable: The tragic death of Baby P highlighted the importance of sound judgements in family courts

Such cases have led to mounting anxiety about child protection.
Consequently, it is vital the family courts have all the necessary advice and evidence so they can reach the best-informed decisions.

Crucial

The possibility that this is being compromised by psychological 'experts' who do not have the qualifications, skills or knowledge for this crucial role is extremely concerning.
A number of these family cases require forensic or clinical expertise from expert witnesses, and yet this is not always evident in the experience of those asked to give their professional opinions.
Where children's lives and futures are concerned, the courts should rely on the very best expertise from psychologists and related experts, such as psychiatrists, who really understand issues like personality disorder, sexual offending and domestic violence.
Yet, based on research I conducted as a forensic psychologist at the University of Central Lancashire and Mersey Care NHS Trust, this does not always seem to be the case.

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The study, carried out by a team at the university, was commissioned by the Family Justice Council, and explored in detail expert witness reports submitted by psychologists to family courts.

The Family Justice Council was set up by the government in 2004 to ensure that children's needs are met within the judiciary, and was keen to explore the quality of the evidence being submitted to the family courts.
Having examined the files on no fewer than 127 cases from the family courts in which psychological 'experts' were involved, the results were concerning — indicating an absence of qualifications and competence across a number of areas.
'Experts' were found to be conducting assessments covering crucial family issues without having the experience to do so, and certainly without use of the most up-to-date and accepted methods of assessing risk.

'Expert' witnesses are influencing decisions that could be life-changing for children (picture posed by model)

Equally concerning is evidence from the report that the majority of experts are not in practice, so they are not routinely treating clients or working as part of a wider service.
Instead, there appear to be a growing number who are 'professional' expert witnesses, whose only practice is in providing assessments to a court.
It certainly suggests a living can be made out of this work alone, even though the more traditional approach was for an expert in practice to be called upon by a court occasionally to provide their experience.
It leaves a range of difficulties. Courts run the risk of utilising unqualified psychologists, or psychologists who are not qualified in the area they claim to be able to testify in.
Courts rely on a single expert in most cases, so the selection of this expert is crucial.
Our research indicated that at least one fifth of all these psychological experts were not properly qualified at all, in the sense that they did not belong to either of the two main UK bodies, the British Psychological Society or the Health Profession Council.
Moreover, in conducting assessments of families, at least 20 per cent of them strayed far beyond their own field of experience, something that has the potential to be highly risky in child cases.
For example, we found evidence of witnesses commenting on sex offenders even though they had not practised in this area, or commenting on mental illness without ever working in that field.

Career witnesses: There are 'experts' who make a living from psychological assessments without being in practise

Indeed, the study found that fully 90 per cent of the witness reports were written by ‘experts’ who were not actually engaged in psychological practice at the time.

The quality of a large number of the reports was also low. Our analysis found that 65 per cent were rated as either ‘poor’ or ‘very poor’ — a remarkable statistic.

The research team found a bewildering array of difficulties in how the reports had been conducted. Some ‘experts’ did not seem to value the importance of conducting interviews with those family members they had been asked to assess.

There was also an overuse of psychological tests, many of which had no clinical value or were ‘made up’ by the psychologist involved.

There was also evidence of antiquated intelligence tests — more than 20 years out of date — being employed.

We also found evidence of witness reports comprised of a range of emotive judgments that were more opinions than professional assessments.

For example, statements like ‘a self-centred young woman’ or, in rather quaint language, ‘an uncouth child’.

Confused

One man was described as adopting ‘an over-familiar, conspiratorial manner’, while, in another case, a family dog was said to be ‘extremely well-behaved and extremely patient despite constant teasing from the children’. ‘She can be fun to be with’, read one rather unhelpful report.

Sometimes the judgments were wholly inappropriate. ‘Miss X is an attractive mum and has a lovely personality.’

Others were chaotically structured, failed to answer vital questions, or just regurgitated previous assessments.

‘No numbered paragraphs, no glossary, nothing,’ was the verdict by my team on one such report. ‘Simply hopelessly confused,’ was another verdict.

One could ask what encourages a psychologist to become involved in such work. Some will undoubtedly do it out of a desire to protect children. However, it is clear that a career and a living can be made from such work.

On average. experts charge £120 an hour for assessing families and compiling reports. So this is a well-paid profession with tariffs set far higher than for many psychologists working in a full psycho- logical practice.

A complex two-parent assessment for a court case could easily bring in more than £4,000, as a minimum. In our study, one expert laid claim to writing more than 200 reports in the past year, while another put on their CV that they had completed ‘over 1,000 reports’.

What family courts need from psychological experts are authoritative judgments, informed by the latest knowledge in the psychological profession within which experts practise.

Fearful

This is all the more important given the growing numbers of children who are now being taken into care in the wake of cases such as Baby P.

Understandably, social services departments are now fearful of leaving children in the care of parents who pose any risk — which, in itself, could lead to the removal of children more quickly, and subsequently the involvement of experts in helping to assess such parents.

In the past month alone, local councils made no fewer than 903 applications to the courts to take youngsters into care, an astonishing rate of 225 per week.

In total in 2011/12, 9,299 applications for care were made by local authorities, an increase of 12 per cent on the previous year.
Those figures show the vital need for the courts to be assisted to do their jobs effectively. But that will not be done while non-experts potentially mislead judges with evidence which is not up to standard.
Family courts clearly operate within the confines of confidentiality in an attempt to protect the interests of children. This inadvertently may have allowed for experts to avoid the close scrutiny — from both their peers and the public — which they might be exposed to in other courts.
In short, family courts — perhaps more than any others — deserve the best service experts can give.

Foreign government may take UK to European court over its 'illegal' child-snatching

The Slovakian government has such 'serious concern' over the workings of Britain's 'family protection' system that it plans to challenge the legality of the policy in Strasbourg

So disturbed is the government of Slovakia by the number of Slovak parents who have lost their children in Britain in recent years that its justice ministry has posted a declaration highly critical of Britain Photo: ALAMY

By Christopher Booker

5:23PM BST 15 Sep 2012

In an unprecedented move, a foreign government is threatening to take Britain to the European Court of Human Rights (ECHR) to challenge the unusual readiness of our social workers and courts to remove children from their parents for "no sound reason". So disturbed is the government of Slovakia by the number of Slovak parents who have lost their children in Britain in recent years that its justice ministry has posted a declaration highly critical of Britain on its website and says that, if a decision of the Appeal Court this Tuesday goes against one Slovak family, it will back an appeal to the Strasbourg court that Britain has acted illegally.

I have often reported here on the zeal with which British social workers are not only prepared to travel abroad to seize children born there to British parents, but also to remove children from foreign families in Britain, even when they may only be visiting here on holiday. But this is the first time a foreign government has sought formally to challenge a practice that is almost unique in Europe

(although worldwide headlines were made recently by a similar case where two children were seized from an Indian family resident in Norway, but were eventually returned to India after the intervention of the Indian government).

The case that goes to the Appeal Court this week concerns two young boys, Slovakian subjects, whose parents have lived and worked in Britain since their country joined the EU in 2004. Two years ago, when the parents took one of their sons to hospital to enquire about a minor infection, social workers were alerted that it might be the result of a “non-accidental injury”. The boys were put into the temporary care of the family’s American pastor, who describes how social workers then arrived with three police cars to remove the children, screaming as they were torn from their horrified mother and grandmother, to an official foster home.

Thus began a protracted legal battle, involving many court hearings, four different social workers, seven “expert” doctors and psychologists, 16 interpreters, 13 different “contact supervisors” and dozens of lawyers. Initially the local authority seemed happy to contemplate that the children might be returned to live with their grandmother in Slovakia, but the social workers of a council that advertises its enthusiasm for adoption on its website then suggested to the foster carers that they might like to adopt the boys.

By now the Slovak authorities were involved and could see no reason why the children should not come back to live with their grandmother. But earlier this year a judge found in favour of the council, ruling, to the astonishment of the Slovak authorities, that the boys should be adopted. The family enlisted the help of John Hemming MP, who has had sympathetic support from the Slovak ambassador to London. The case has attracted widespread media interest in Slovakia, and the Slovak justice ministry has posted on its website a “Declaration on adoption of Slovak children in the UK”, stating that it has such “serious concern” over the workings of Britain’s “family protection” system, and the readiness of the British authorities to remove children from their “biological parents” for “no sound reason”, that its representative on the ECHR plans to challenge the legality of Britain’s policy in Strasbourg.

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Mr Hemming, whose Justice for Families team has been closely involved in putting together the family's plea on Tuesday for leave to appeal against the decision that the children cannot be given into the care of their grandmother, says that the Slovak media claim to know of some 30 other Slovak children taken from their parents in this way. He is also in touch with the authorities of other countries who express similar concern over treatment of their nationals in Britain. "This is a deeply disturbing case," he says, "which only serves to highlight the shock experienced by many foreigners when they discover how the British system works, not least because most come from countries where such things would be unthinkable."

Mr Hemming plans to raise his concerns with the new children's minister, Edward Timpson, a family law barrister who himself has two adopted siblings and whose parents have acted as foster carers to more than 80 children.

24 April 2012 Last updated at 04:47 GMT

Norway custody row children return to India

The children were put into foster care by Norwegian child services last May

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Two Indian children who were handed over to their uncle from foster care in Norway have returned to India.

On Monday, a Norwegian court ruled that the children be allowed to return to India.

Norway's Child Welfare Agency (CWA) said it took the children into custody last May alleging their parents did not adequately look after them.

However, the parents said that "cultural differences" were behind the agency's decision.

The incident has caused a diplomatic row between Norway and India.

TV pictures showed three-year-old Abhigyan and one-year-old Aishwariya Bhattacharya at Delhi's international airport on Tuesday morning. They are on their way to the eastern city of Calcutta.

The children were met at the airport by Junior Foreign Minister Praneet Kaur.

Foreign Minister SM Krishna said he was "delighted to welcome [the] kids to India".

The children were put into foster care by the CWA after local social services said the children were at risk.

However the parents, Anurup and Sagarika Bhattacharya, who were living in Norway at the time, denied this.

They said that there were "cultural differences" the authorities took exception to, including sleeping with the children and feeding them by hand.

Following discussions, the CWA has reached an agreement with the parents and the children's uncle.

Custody of the children was transfered to the uncle, enabling them to return to India.

The case received extensive media attention in India and provoked public anger, with the Indian government saying that the children should be allowed to live in their own cultural and linguistic environment.

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Ultima actualizare: 09 Iunie, 2008 - Published 11:44 GMT

Repatrierea unor copii români din Italia

Ministrul de Externe al României, Lazăr Comănescu, se întâlneşte luni în Italia cu omologul său Franco Frattini, cu care va semna un acord privind repatrierea mai multor copii români.

Lazăr Comănescu va semna un acord privind repatrierea unor copii români

Nu se ştie despre câţi copii este vorba. Majoritatea, însă, au fost luaţi de poliţie de pe stradă, pentru că cerşeau, sau din familii - părinţii fiind acuzaţi de rele tratamente.

Copiii sunt acum în centrele de minori din Italia, iar pentru unii dintre ei, potrivit autorităţilor române, ar fi început - ilegal - procedurile de adopţie.

Autorităţile române nu ştiu numărul exact al copiilor aflaţi în sistemul de protecţie a minorilor din Italia.

Unul dintre ei este un băieţel de aproape trei ani, pe numele său Graţian, dintr-o localitate de lângă Reşiţa.

El a fost luat de poliţia italiană în urmă cu un an.

Bunica băiatului, Olguţa Gruia, se afla cu copilul în acel moment.

"Soţul era cu fata la ambasadă, să facă actele, că nouă ne-a dat o femeie foc la baracă, fără să vrea..."

"Eu am rămas cu copilul la magazin să-i iau mâncare. Între timp, copilul a început să plângă după o maşină mică".

"Eu l-am luat, i-am dat să mănânce smântână cu biscuiţi, şi atunci a venit poliţia şi m-a băgat direct în maşină".

"Cică m-a văzut cineva că eu am dat în copil. Dar nu e adevărat. Eu nici n-am atins copilul", spune la BBC doamna Gruia.

Autorităţile române nu ştiu numărul exact al copiilor aflaţi în sistemul de protecţie a minorilor din Italia

De atunci, familia copilului a făcut tot felul de demersuri pentru a-l recupera pe Graţian.

A angajat un avocat, după ce iniţial a avut unul din partea Ambasadei României în Italia, însă nu a reuşit să afle nici măcar unde se găseşte copilul.

"De când l-au luat, nu l-am mai văzut niciodată. Nu mi-au arătat nici o poză măcar...poate fi dat la o familie, poate fi mort...nu ştim nimic!", spune mama băiatului, Graţiela Gruia.

Graţiela Gruia are 24 de ani. Nu este şi n-a fost niciodată căsătorită cu tatăl copilului reţinut.

În Italia a locuit mai multe luni, dar nu a putut spune cu ce s-a ocupat exact ea sau familia ei.

Dincolo de aceste aspecte, şefa Autorităţii Naţionale pentru Protecţia Copilului, Mariela Neagu, spune că minorii ar trebui repatriaţi.

"Mulţi dintre ei au fost luaţi din stradă, că cerşeau, dar, în mod normal, autorităţile italiene trebuiau să colaboreze cu noi, iar aceşti copii trebuiau să ajungă în România, în sistemul de protecţie a copilului", spune doamna Neagu.

Aceste aspecte ar urma să fie reglementate de un acord care va fi semnat luni la Roma de către ministrul de externe român, Lazăr Comănescu, şi omologul său italian, Franco Frattini.

Mariela Neagu a declarat la BBC că au fost cazuri similare şi în alte ţări - precum Franţa şi Spania, însă România a semnat deja acorduri cu acele state şi copiii au fost repatriaţi.